

REMARKS

Claim 1 is amended. Claim 30 is canceled. Claim 163 is added. Claims 1-6, 9-22, 25-29, 32, 33, 37, 162 and 163 are in the application for consideration.

Applicant's independent claim 1 stands rejected as being obvious over U.S. Patent No. 5,882,419 to Sinha et al. Applicant requests reconsideration.

Claim 1 has been amended to recite that the recess base has a radially outermost portion having an uppermost surface received at an elevation. Claim 1 is also amended to recite that the outer peripheral vertical sidewall of the recess joins with the uppermost surface of the radially outermost portion at said elevation, and that the outer peripheral vertical sidewall of the recess extends perpendicularly upward from where it joins with said uppermost surface of the radially outermost portion at said elevation. Such is neither shown nor suggested by Sinha et al.

Specifically, the Examiner relies upon language in Sinha et al. at col.13, Ins.25+ wherein it is stated that an upwardly projecting guide receiving portion 222 comprises an annular flat raised portion which is disposed a stated distance above the upper surface upon which the substrate rests. Applicant's amended claim 1, on the other hand, requires that the radially outermost portion of the recess base have an uppermost surface received at an elevation, with the outer peripheral vertical sidewall of the recess being required to join with such uppermost surface at said

elevation. Such clearly is not disclosed or contemplated in Sinha et al. by the language upon which the Examiner relies, and which indicates that the annular flat raised portion is received elevationally above the stated upper surface of Sinha et al. Accordingly, there is no suggestion or disclosure in Sinha et al. of having an outer peripheral vertical sidewall of a recess join with an uppermost surface of the radially outermost portion, and certainly not doing so at the elevation which Applicant recites in independent claim 1. Accordingly, Applicant's claim 1 recites something which is not shown in Sinha et al., and the Examiner's rejection of claim 1 over Sinha et al. for this reason should be withdrawn, and action to that end is requested. For at least this reason alone, the Examiner's obviousness rejection of claim 1 over Sinha et al. is overcome.

Further, it would not be obvious to modify the structure disclosed by Sinha et al. to read upon Applicant's claim 1 as doing so would defeat the fundamental purpose of Sinha et al. to provide a peripheral purge gas flow channel 220.

Further with respect to Sinha et al., Applicant's independent claim 1 recites that the radially extending uppermost straight surface of the projection must extend radially outward to an elevationally uppermost location which is received radially at the vertical radially outermost peripheral edge of such projection. Such does not occur in Sinha et al. and the Examiner so admits. However, the Examiner asserts that Applicant must show criticality in its disclosure to such shaped feature, concluding that it

would be obvious to select the shape of the projection as a matter of design choice. The Examiner relies upon *In re Dailey* allegedly standing for the position that modification of shape was obvious absent evidence that a particular shape was significant. Further, the Examiner relies upon *In re Woodruff* allegedly dealing with optimization of values of a cause effective variable absent a showing of criticality. With respect to *In re Woodruff*, Applicant's independent claim 1 does not address optimization of a cause effective variable, and thereby *In re Woodruff* is inapplicable. Further, *In re Daily* does not support any position by the Examiner that Applicant's disclosure must provide criticality of the shape of a feature.

Further and regardless, there is an operational or resultant advantage of significance in Applicant's shape over that of the stated prior art. Specifically, by not having a radially extending uppermost straight surface which extends to an elevationally uppermost location which is received radially at the vertical radially outermost peripheral edge of the projection, Sinha et al. clearly shows and discloses an upper horizontally flat surface. Such thereby defines a surface upon which a substrate during placement could rest and get stuck. Such would not occur in a construction of Applicant's claim 1 invention as there is no flat surface, rather a ramp extending from the outermost peripheral edge radially inward. Accordingly, there is an advantage of significance in Applicant's structure of independent claim 1 which is not shown nor suggested nor arrived at by the teachings of Sinha et al.

Accordingly for this additional reason, the obviousness rejection of independent claim 1 over Sinha et al. should be withdrawn. In combination, these two reasons overwhelmingly support the allowability of Applicant's amended independent claim 1, and the Examiners obviousness rejection over Sinha et al. should be withdrawn, and action to that end is requested.

Added new independent claim 163 recites that the recess outer peripheral vertical sidewall, the respective projection radial inner vertical sidewalls, and the respective projection radially extending uppermost straight surfaces in combination have an elevational length which is less than thickness of a substrate for which the susceptor is designed when said substrate is received by said recess. The prior art upon which the Examiner relies in the latest action discloses such elevational lengths being greater than thickness of a substrate for which the susceptor is designed when said substrate is received by said recess. Accordingly, Applicant's added dependent claim 163 recites something which is not encompassed by Sinha et al., Fodor et al., or Mahawilli.

The remaining of Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested by the cited art. Applicant's withdrawn claims should now come in and be allowed as depending from an allowable generic claim, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

This application is believed to be in immediate condition for allowance.

Respectfully submitted,

Dated: 8-18-08

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